



## Francis V. Cook

Partner

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Frank has 30-plus years of experience defending clients against employment-related lawsuits. Over the course of his career, he has defended nearly 1,000 cases in federal and state trial and appellate courts and administrative tribunals throughout the U.S.

He has been engaged as lead counsel for “bet the company” jury trials, has argued novel and complex appeals creating binding precedent, has served as an expert witness on the proper handling of employment litigation defense and routinely advises clients on best practices for navigating the ever-changing landscape of labor laws.

Across various industries, Frank has represented private sector companies ranging in size from small local businesses to the world’s largest employer. He has defended public sector entities, such as school boards, municipalities, police departments and public agencies. He has gained recognition for high-profile representations of local public figures such as county freeholders, mayors, police chiefs and school superintendents – achieving repeated victories on their behalf.

Clients facing particularly daunting legal challenges retain Frank for his reputation as a tenacious litigator with a proven track record for achieving results under the most difficult circumstances. Representative successes include:\*

- Arguing the New Jersey Supreme Court case establishing constitutional limits on the broad powers of a bistate agency in connection with public bidding on large construction projects.
- Securing removal of a police chief alleged to have usurped control of a township while engaging in illicit conduct.
- Representing a physician whose license was wrongly used to defraud the federal government.
- Successfully defending a group of college athletes against unsupported hazing charges.
- Providing critical guidance to a client in connection with concerns of potential corruption in state licensing.
- Removing an insubordinate executive who refused to comply with board authority while engaging in improper conduct.
- Creating new law that was relied upon in dismissing a large wage and hour class action.
- Successfully defending a high-profile sexual harassment case against a client in the adult entertainment industry.
- Arguing the New Jersey Supreme Court case establishing the current law on punitive damages in employment cases.

*\* Results may vary depending on your particular facts and legal circumstances.*

Most notably, Frank has significant experience fighting corruption in the award of public construction contracts. He possesses a wealth of knowledge regarding legal challenges to the use of Project Labor Agreements as an unlawful mechanism for political favoritism. He has successfully defended against unlawful targeting by government agencies and routinely guides

clients through the minefield of union pressure tactics. His work in this area is driven by his deeply held belief in the fundamental rights guaranteed by the First Amendment to the U.S. Constitution.

## Services

- Labor & Employment
- Litigation
- Employment Class Actions
- Employment Counseling, Policy Development & Audits
- Employment Litigation
- Employment Training
- Labor Management Relations
- Trade Secrets & Restrictive Covenants
- Wage & Hour Law
- Workplace Safety & Health

## Bar Admissions

- New Jersey
- New York
- Pennsylvania

## Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, District of Columbia

## Education

- Rutgers Law School (J.D., 1991)
  - Editor, Rutgers Law Review
- Montclair State University (B.A., *cum laude*, 1988)

## Memberships

- American Bar Association
- New Jersey State Bar Association
- Sidney Reitman Employment Law Inn of Court (past)

## Board of Directors

- Metedeconk National Golf Club, Board of Trustees (2020-present)
  - Chairman of the Legal and Compliance Committee (2022-present)
- New Jersey Foundation for the Blind, Board of Trustees (past)
- The Bridge Inc., Board of Trustees (past)

## Significant Matters

### ***Longo v. Pleasure Productions, Inc. 215 NJ 48 (2013)***

Successfully represented an employer before the New Jersey Supreme Court in a precedent-setting appeal reversing the award of punitive damages under the New Jersey Conscientious Employee Protection Act (CEPA).

In its decision, the Supreme Court held that in CEPA cases, an upper management jury charge is required to support the award of punitive damages against an employer and that such damages require a finding of wrongful conduct under the clear and convincing evidence standard. The court reversed a jury verdict and lower court rulings awarding \$500,000 in punitive damages. The 2013 New Jersey Supreme Court decision remains the established law in New Jersey for evaluating punitive damages in CEPA cases and has been cited positively 13 times.

[Watch the Supreme Court argument.](#)

### ***Ahmed v. Morgan's Hotel Grp. Mgmt., LLC, 160 A.D.3d 555 (2018)***

Successfully secured dismissal of a wage and hour class action on behalf of an employer at the trial court level and on appeal to New York Supreme Court, Appellate Division. The class action representative asserted that the employer violated state labor laws by representing banquet service charges as gratuities, failing to pay such gratuities to employees and failing to inform employees that it would apply a “tip credit” against their wages. In a precedential ruling, the court dismissed all claims, holding that the hotel’s banquet event order satisfied the statutory requirement that the “administrative charge” for events was not purported to be a “gratuity,” and that the charge was clear enough that “a reasonable customer would understand that such charge was not purported to be a gratuity.” Most significantly, the court agreed that employers should be entitled to an affirmative defense insulating them from liability when it is demonstrated that any actual gratuities are paid and employees earn more than the minimum wage, thereby negating the employer’s obligation to provide notice of its use of a tip credit. This decision established new law on this critical issue highly valuable to employers in the food service industry.

### ***New Jersey Municipality v. Chief of Police***

Successfully represented a New Jersey municipality in connection with an investigation into allegations of potential corruption within its police department. The month-long, on-site investigation involved dozens of interviews of police officers, police department personnel, politicians and municipal employees. The investigation culminated with an expert forensic analysis of police department computer systems exposing and confirming allegations of wrongful conduct which then allowed for successful remediation for the benefit of the City.

### ***Scudder Falls Bridge Construction***

Successfully represented a large, heavy highway construction contractor before the Superior Court, Appellate Division of New Jersey, in a precedent-setting appeal in a “bet the company” constitutional challenge for the award of a public construction contract based upon union favoritism. This landmark legal challenge maintained that it is unlawful for a public entity to use a Project Labor Agreement to circumvent competitive bidding laws. In the Scudder Falls case, it was alleged that qualified contractors were prevented from bidding so that politicians could award a \$396 million contract to a specific union in exchange for political support.

### ***State v. Patton 133 N.J. 389 (1993)***

Participated as *pro bono* counsel in a landmark 1993 New Jersey Supreme Court case challenging the constitutionality of a law requiring a person in possession of a controlled dangerous substance to immediately turn it over to the closest law enforcement official. The case involved an in-depth analysis of the fundamental right against self-incrimination which is conferred to all citizens under the U.S. Constitution.

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